

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD ROTSIN BARREN,

Plaintiff

Case No. 2:19-cv-00142-APG-VCF

ORDER

v.

JAMES DZURENDA,

Defendants

This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. In compliance with this Court's order, Plaintiff has submitted an application to proceed in district court without prepaying fees or costs following his release from prison. (ECF Nos. 23, 24.) Based on the financial information provided, the Court grants Plaintiff leave to proceed without prepayment of fees or costs under 28 U.S.C. § 1915(a)(1).¹

On May 1, 2020, the Court entered a screening order. (ECF No. 11.) The screening order imposed a 90-day stay and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. (ECF Nos. 11, 17.) The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 22.)

IT IS THEREFORE ORDERED that:

1. Plaintiff's application to proceed in district court without prepaying fees or costs (ECF No. 24) is **GRANTED**.

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed in district court without prepaying fees or costs will not extend to the issuance and/or service of subpoenas at government expense.

¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

4. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

6. If service cannot be accepted for any of the named defendant(s), Plaintiff will file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General has not provided last-known-address information, Plaintiff will provide the full name and address for the defendant(s).

8. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other

1 document submitted for consideration by the Court. If Plaintiff electronically files a
2 document with the Court's electronic-filing system, no certificate of service is required.
3 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
4 mails the document to the Court, Plaintiff shall include with the original document
5 submitted for filing a certificate stating the date that a true and correct copy of the
6 document was mailed to the defendants or counsel for the defendants. If counsel has
7 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
8 named in the notice of appearance, at the physical or electronic address stated therein.
9 The Court may disregard any document received by a district judge or magistrate judge
10 which has not been filed with the Clerk, and any document received by a district judge,
11 magistrate judge, or the Clerk which fails to include a certificate showing proper service
12 when required.

13 9. This case is no longer stayed.

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15 DATED THIS 27th day of October 2020.

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17 UNITED STATES MAGISTRATE JUDGE
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